

Message Text

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TO SECSTATE WASHDC PRIORITY 4103

C O N F I D E N T I A L SECTION 1 OF 2 TAIPEI 3934

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E.O. 11652: GDS
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SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: STATE 149308

1. OUR PARTICULAR COMMENTS ON THE REFTEL, WHICH FOLLOW, SHOULD BE VIEWED IN THE LIGHT OF THREE GENERAL CONCERNS WHICH WE BELIEVE SHOULD INFORM ALL OUR HUMAN RIGHTS REPRESENTATIONS HERE.

2. FIRST, WE MUST GENERALLY RECOGNIZE THE IMPACT ON THE GROC'S POSITION THAT IT IS IN A STATE OF CIVIL WAR WITH THE MAINLAND. THOUGH OUR ASSESSMENT OF THE THREAT AND PRC INTENTIONS DIFFERS FROM THE GROC'S, THE GROC BELIEVES, UNDERSTANDABLY, THAT PEKING IS COMMITTED TO THE "LIBERATION" OF TAIWAN BY WHATEVER MEANS IT DEEMS NECESSARY. WE BELIEVE THAT THERE ARE SPECIAL SECURITY CONCERNS HERE OF THE TYPE MENTIONED BY THE SECRETARY IN HIS UNIVERSITY OF GEORGIA SPEECH, AND THAT THESE CONCERNS PROVIDE A BASIS CONSIDERED REASONABLE BY THE GROC TO LIMIT, ON OCCASION, ITS FULL RESPECT FOR HUMAN RIGHTS. THIS CONCEPT IS REINFORCED BY THE TRADITIONAL CHINESE TENDENCY TO VALUE THE WELFARE OF THE GROUP MORE THAN INDIVIDUAL RIGHTS.

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3. SECOND, THE GROC WILL FIND IT DIFFICULT, IF NOT IMPOSSIBLE, IN SOME POLITICAL CASES TO DIVORCE OUR EXPRESSION X CONCERN FOR HUMAN RIGHTS FROM THE IMPLICATION THAT WE ARE IN FACT SEEKING TO SUPPORT CAUSES WHICH THEY REGARD AS SUBSERVISE OR DANGEROUS TO NATIONAL SECURITY OR STABILITY. FOR EXAMPLE, INQUIRY INTO THE CASE

OF INDEPENDENCE-MINDED OPPOSITIONISTS WILL INEVITABLY
FAN THE OLD EMBERS OF SUSPICION THAT WE ARE SUPPORTING
THAT POLITICAL CAUSE; OR, CONCERN EXPRESSED OVER THE FATE
OF PRO-COMMUNIST ELEMENTS WILL BE READ AS SUPPORT FOR
THOSE ELEMENTS' GOAL OF REUNIFICATION UNDER PEKING.

4. THIRD, WE ASSUME THAT THE PRIME U.S. OBJECTIVE FOR
TAIWAN TODAY IS TO CONDUCT OUR RELATIONS HERE IN SUCH A
WAY AS TO HELP BRING TAIWAN THROUGH THE TRAUMA OF AN
END TO THE MUTUAL SECURITY TREATY AND SEVERANCE OF DIP-
LOMATIC RELATIONS WITHOUT GENERATING INTERNAL INSTABILITY
AND UNREST WHICH COULD THREATEN U.S. POLITICAL, SECURITY
AND ECONOMIC INTERESTS HERE. OUR PURSUING ACTIONS IN
THE HUMAN RIGHTS FIELD WHICH COULD HAVE THE EFFECT OF
UNDERMINING PUBLIC ORDER AND THE POSITION OF THE PRESENT
GOVERNMENT WOULD HAVE TO BE WEIGHED VERY CAREFULLY IN
THE LIGHT OF THAT BASIC OBJECTIVE.

5. FOLLOWING SPECIFIC COMMENTS ARE KEYED TO RUBRICS
IN REFTEL PARA 2:

I. A. "PROLONGED DETENTION WITHOUT FORMAL CHARGES"
THE EMBASSY GENERALLY AGREES WITH THIS SECTION AS
WRITTEN, ALTHOUGH WE ARE NOT OFTEN AWARE OF INDIVIDUALS
BEING HELD WITHOUT CHARGES. WE STRONGLY SUGGEST THAT
THE CAVEAT "NO IMPLICATION OF TERRORISM" WHICH APPEARS
IN THIS SECTION AND THROUGHOUT THE PAPER BE CHANGED IN
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ALL INSTANCES TO READ "NO INDICATION THAT INDIVIDUAL HAS
RESORTED TO VIOLENCE TO ACHIEVE HIS ENDS." (COMMENT:
ALTHOUGH WE REALIZE THAT HUMANE TREATMENT OUGHT TO BE
GIVEN ALL PRISONERS, WE CONCUR IN THE DEPARTMENT'S BELIEF
THAT OFFICIAL USG INQUIRIES WILL BE MORE EFFECTIVE IF
THEY FOCUS PRIMARILY ON CASES IN WHICH THERE IS NO INDICA-
TION THAT THE INDIVIDUAL HAS RESORTED TO VIOLENCE.)

I.B. "TREATMENT OF POLITICAL PRISONERS"
THE GROC DOES NOT RECOGNIZE THAT IT HAS ANY "POLITICAL
PRISONERS" AS SUCH: ALL PRISONERS HAVE THEORETICALLY
BEEN CONVICTED ON A PARTICULAR CHARGE. UNLESS WE ARE
PREPARED TO TALK TO THEM IN THEIR TERMS (SUCH AS PRISONERS
CONVICTED OF "SEDITION"--A GROUP WHICH WOULD NOT NECESSARILY
INCLUDE ALL WHOM WE MIGHT VIEW AS POLITICAL PRISONERS),
WE BELIEVE IT WILL BE MORE EFFECTIVE TO RAISE THE ISSUE
OF TREATMENT OF POLITICAL PRISONERS IN TERMS OF INDIVIDUAL
CASES AND THUS AVOID THE SEMANTIC DIFFICULTIES. WE WOULD
PRBABLY NOT BE ABLE TO GET A LIST OF "POLITICAL PRISONERS"
FROM THE GROC. HOWEVER, WE MIGHT ASK FOR THE LIST OF
254 "SEDITION" PRISONERS REFERRED TO BHE THE PREMIER IN
HIS CONSTITUTION DAY ADDRESS LAST DECEMBER 25.

THE GROC WOULD PROBABLY REACT POSITIVELY TO ANY REQUEST TO ALLOW EMBASSY OFFICERS TO VISIT PRISONS, INCLUDING THOSE IN WHICH "POLITICAL" PRISONERS ARE DETAINED. OF COURSE THERE IS NO WAY TO GUARANTEE WE WOULD NOT RECEIVE A POTEMKIN TOUR.

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C O N F I D E N T I A L SECTION 2 OF 2 TAIPEI 3934

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VISITS TO PRISONS BY U.S. CONGRESSMEN WOULD HAVE MIXED RESULTS. ON THE ONE HAND, IT WOULD BE A FURTHER DEMONSTRATION OF USG CONCERN BY A BRANCH OF OUR GOVERNMENT WHICH THE GROC DOES NOT WANT TO ALIENATE. ON THE OTHER, WE ARE CONFIDENT THAT THE GROC WOULD BE ABLE TO ARRANGE SUCCESSFUL TOURS (FROM THEIR POINT OF VIEW) AND THIS WOULD GIVE THEM AN EVEN BETTER HANDLE FOR PLAYING THE HUMAN RIGHTS ASPECT OF THE CHINA QUESTION TO THEIR ADVANTAGE. EMBASSY REQUESTS TO SEE NON-AMERICAN-CITIZEN PRISONERS SHOULD BE CAREFULLY CONSIDERED AND IN SOME CASES THESE MAY NOT BE DEEMED ADVISABLE. RECURRENT REQUESTS WOULD NOT NECESSARILY ALWAYS PROVIDE US WITH A MORE RELIABLE IMPRESSION OF THE PRISONER'S CONDITION THAN CAN BE OBTAINED THROUGH THE FOREIGN MINISTRY, AND IT MIGHT WELL LESSEN THE DEGREE OF ACCOUNTABILITY FELT BY THE GROC-- SOMETHING WE PRESUMABLY WANT TO AVOID.

WE CANNOT SUPPORT THE SUGGEST THAT THE USG URGE AN INTERNATIONAL ORGANIZATION TO FACILITATE AN IMPARTIAL INTERNATIONAL REVIEW OF THE "POLITICAL" PRISONER SITUATION. IN OUR VIEW, TO TAKE THE INITIATIVE IN LAUNCHING SUCH AN INVESTIGATION WOULD REDUCE RATHER THAN INCREASE OUR HUMAN RIGHTS INFLUENCE HERE AND UNDOUBTEDLY BE THE SUBJECT OF MEDIA SPECULATION ON THE KINDS OF "AWFUL" CONDITIONS WHICH PROMPTED OUR INITIATIVE. HOWEVER, SHOULD THE INITIATIVE COME FROM AN IMPARTIAL INTERNATIONAL ORGANIZATION

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TION ITSELF, WITH NO SIGN OF THE USG'S FINE HAND, THEN WE BELIEVE IT COULD ADVANCE RESPECT FOR HUMAN RIGHTS HERE, AND WE WOULD BE PREPARED TO COOPERATE WITH SUCH AN INVESTIGATION UPON REQUEST.

II. A. "FREE SPEECH; FREE PRESS"

WE AGREE WITH MOST OF THE POINTS IN THIS SECTION. HOWEVER, UNLESS WE LOOK ON IT AS A TRADE-PROMOTION ACTIVITY, WE DO NOT BELIEVE WE SHOULD SINGLE OUT U.S. PUBLICATIONS IN URGING THE GROC TO RELAX ITS NEWS CENSORSHIP. ALSO, MIDDLE-RANKING EMBASSY OFFICERS ALREADY ASSOCIATE WITH NON-VIOLENT CRITICS OF THE GROC IN A PERFECTLY OPEN, NORMAL WAY, AND WE HAVE NOT ASSOCIATED WITH ANY ADVOCATES OF VIOLENCE.

6 SHOULD WE PROCEED ALONG THE LINES OF THE DRAFT PROPOSED REFTEL, AS MODIFIED IN THE LIGHT OF OUR COMMENTS ABOVE, WE BELIEVE THAT SUCH A POLICY WOULD SUPPORT AN INDIGENOUS TREND TOWARD A MORE OPEN SOCIETY WITH GREATER RESPECT FOR HUMAN RIGHTS.

7. IN ALL CANDOR, I SHOULD ADD MY RESERVATIONS AS TO HOW MUCH WE WILL BE ABLE TO ACCOMPLISH HERE IN THE HUMAN RIGHTS FIELD IF THE PUBLIC POSTURE OF THE U.S. GOVERNMENT AT HIGH LEVELS TOWARD THE ROC BECOMES THAT WHICH WAS REFLECTED IN THE SECRETARY'S JUNE 29 SPEECH. IN A SPEECH ON EAST ASIA WHICH MENTIONED VIRTUALLY EVERY OTHER COUNTRY IN THE REGION AND CONTAINED REFERENCES TO "OLD FRIENDS" THE ONLY MENTION OF TAIWAN WAS AS A "QUESTION" WHICH WE HOPE WILL BE PEACEFULLY SETTLED. THE DUE CREDIT TO THE ROC'S RECORD IN THE ECONOMIC AND SOCIAL FIELDS, MENTIONED ALBEIT IN A DIFFERENT CONTEXT IN REFTEL, SECTION III, WAS APPARENTLY DELETED FROM THE SECRETARY'S TEXT
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AND THUS EVEN THIS MODEST BALANCING FACTOR WAS LOST. I FEEL OBLIGED TO CALL THIS TO THE DEPARTMENT'S ATTENTION AS A FACTOR WHICH I FEEL MAY LIMIT MY EMBASSY'S CAPACITY FOR EFFECTIVE ACTION IN THE HUMAN RIGHTS FIELD, AS WELL AS IN OTHER AREAS. I AM CONCERNED THAT THOSE INDIVIDUALS IN THE ROC ON WHOM WE DEPEND FOR CONSTRUCTIVE, REASONABLE ACTIONS AND RECEPTIVITY POINTS OF VIEW WILL BE INCREASINGLY DISCREDITED AND OBSTRUCTED.
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